

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DERRICK GRIFFIN,

Petitioner,

v.

CIVIL ACTION NO. 5:10-cv-00740

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER
ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 23, 2011, the Magistrate Judge submitted Proposed Findings and Recommendation (“PF&R”) (Docket 9) wherein it is recommended that this Court dismiss Petitioner’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Docket 1) and Amended Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Docket 6) and remove this matter from the Court’s docket.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's

Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). Objections were due to be filed on or before September 9, 2011. To date, no objections have been filed.

Accordingly, the Court **ORDERS** that the recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation (Docket 9) be **ADOPTED**. The Court further **ORDERS** that Petitioner’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Docket 1) and Petitioner’s Amended Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Docket 6) be **DISMISSED**. The Clerk is directed to **REMOVE** this matter from the Court’s docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: September 13, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA